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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,419	04/23/2001	Werner Blumenstock	Q63542	3448

7590 09/25/2003  
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, DUC M

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/839,419

Applicant(s)

Blumenstock et al

Examiner

Duc M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:



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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The references listed in the information disclosure statements submitted on 8/7/01 has been considered by the examiner (see attached PTO-1449).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kuwabara** (US Pat. Number **6,065,136**) in view of **Wookey** (US Pat. Number **6,085,244**).

Regarding claim 1, **Kuwabara** discloses a system for remote diagnosis of device troubles, wherein electronic mail (e-mail) messages for sending the instruction and receiving diagnosis results are utilized (see **Fig. 1** and **col. 5, line 63 - col. 6, line 35**), which would include



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all the claimed limitations except for a firewall. However, it is clear that the system as described by **Kuwabara** would work equally well in a system comprising a firewall as disclosed by **Wookey** (see **Fig. 3** and **col. 5, lines 16-37**), wherein the diagnosis results are also reported via e-mail messages (see **col. 4, lines 13-17** and **col. 22, lines 16-20**). Therefore, it would have been obvious to one skill in the art to provide the above teaching of **Wookey** to **Kuwabara** for utilizing a system with a firewall as well, for security purpose.

Regarding claim **2**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Kuwabara** and **Wookey** would disclose the instruction comprises at least one function as claimed, for diagnosis purpose.

Regarding claim **3**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Kuwabara** and **Wookey** would disclose the application comprises a component (hardware) as claimed, in order to run an application.

Regarding claim **4**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Kuwabara** and **Wookey** would disclose the first and second E-mail messages as claimed, in order to send the instruction and receive diagnosis results for diagnosis purpose.

Regarding claim **5**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Kuwabara** and **Wookey** would disclose the configuration as claimed, for diagnosis purpose.



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Regarding claim 6, the claim is rejected for the same reason as set forth in claim 5 above. In addition, it would have been obvious to one skill in the art to modify the above teachings of **Wookey** and **Kuwabara** for encrypting/decrypting e-mails as claimed, for security purpose as disclosed by **Wookey** (see col. 10, lines 34-43, 55-65).

Regarding claim 7, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Kuwabara** and **Wookey** would disclose the identification field and text field as claimed (see **Kuwabara**, Figs 3-4).

Regarding claim 8, the claim is rejected for the same reason as set forth in claim 7 above. In addition, it is clear that **Kuwabara** and **Wookey** would disclose the address, sender, date and time, and text fields as claimed (see Figs 3-4), for administration purpose.

Regarding claims 9-15, the claims are interpreted and rejected for the same reason as set forth in claims 1-8 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Glitho et al** (US Pat. Number 5,999,973), Use of web technology for subscriber management activitis.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks



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Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

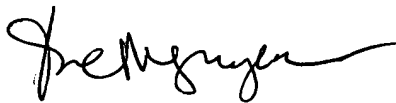
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen



Sept 11, 2003